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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Ralf Schweinfurth et al.

Serial No.: 09/743,758

Group Art Unit: 1764

Filed: January 16, 2001

Examiner: Unknown

For: Coloration with Pearly Luster Pgmnts in the Food and Pharmaceutical Sectors

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

Timing and Fees

- ☒ Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
 - ☐ within three months of the filing date of a national application other than a CPA under § 1.53(d);
 - ☐ within three months of the actual filing date of the national phase of a PCT application; OR
 - ☒ before the mailing of a first substantive office action (including after filing of an RCE).
- ☐ Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
 - a final rejection under 37 C.F.R. 1.113;
 - termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
 - a notice of allowance under 37 C.F.R. § 1.311; and

is accompanied by:

- ☐ the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
- ☐ a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).

☐ Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:

- ☐ a final action under 37 C.F.R. § 1.113;
- ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2);
- ☐ OR a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Statements Under 37 C.F.R. 1.97(e)

- ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

Cited Materials

- ☐ Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. _____, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).
- ☐ Copies of materials listed but not attached were cited in an international search report dated _____.
- ☐ Not required by 37 CFR § 1.98.
- ☒ Copies of the materials listed are attached (except for the foregoing).

Non-English Language References

- ☐ An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).
- ☐ A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:
- X = document of particular relevance when it is taken alone
Y = document of particular relevance when it is combined with another such document
A = document defining the general state of the art
O = non-written disclosure
P = intercalated document
T = document cited to understand the theory or principle underlying the invention
E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date
D = cited in the application
L = cited for another reason
& = publication of member of same patent family
- ☐ Translation of other relevant information on foreign search report

Other Information

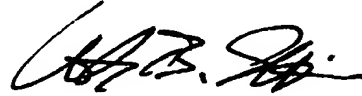
- ☒ Comments of the opponent, in an opposition of the EP corresponding to the present application, are also provided.

Payment of Fees Due (If Any):

- ☐ A check for \$_____ covering the fee identified above is attached.
- ☐ Please charge to Deposit Account No. 13-3402 \$_____ for the fee identified above.

☒ The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,



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Attorney Docket No.: MERCK-2192

Date: March 8, 2007

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of

2

Attorney Docket Number

Complete if Known

Application Number

09/743,758

Filing Date

January 16, 2001

First Named Inventor

Ralf Schweinfurth et al.

Group Art Unit

1764

Examiner Name

Unknown

Attorney Docket Number

MERCK-2192

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]Examiner
Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached. Number refers to English language corresponding family member.

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Substitute for form 1449A/PTO				Complete if Known	
				Application Number	09/743,758
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Filing Date	January 16, 2001
				First Named Inventor	Ralf Schweinfurth et al.
				Group Art Unit	1764
				Examiner Name	Unknown
Sheet	2	of	2	Attorney Docket Number	MERCK-2192

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²	
	C1	"European Parliament and Council Directive 94/36/EC of 30 June 1994 on Colors for Use in Foodstuffs," Official Journal of the European Communities, pgs. L237/13-L237/29.		
	C2	Federal Register, vol. 63 no. 119, Monday, June 22, 1998, pgs. 33934-33935.		
	C3	"Title 21 -- Food and Drugs, Chapter 1 -- Food and Drug Administration, Department of Health and Human Services, Subchapter A -- General," U.S. Food and Drug Administration website, http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?fr=71.15 , revised as of April 1, 2005, accessed June 2, 2006.		
	C4	"Timica Luster Pigments," Timica Luster Pigments brochure, The Mearl Corporation, New York, New York.		
	C5	MAISCH, Roman and Manfred Weigand, "Pearl Lustre Pigments: Physical Principles, Properties and Applications," Merck, Verlag Moderne Industrie, 1992, pgs 4-70.		
	C6	"Technical Information: Oral Ingestion of Mica," The Mearl Corporation, Sheet No. M-152, November 1970, The Mearl Corporation, New York, New York.		
	C7	"Natural Color, Luster and Sparkle," Food Marketing and Technology, April 1998, pg. 8, Key no. 38601.		

Examiner Signature		Date Considered	
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